

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE

**MINUTES OF MEETING HELD ON FRIDAY 20 JANUARY 2006 AT 1000 HOURS
IN KILMAURS COMMUNITY EDUCATION CENTRE, EAST PARK DRIVE,
KILMAURS**

PRESENT: Councillors Maureen McKay, Jim O'Neill, Stuart Finlayson and Robert McDill.

ATTENDING: Bill Stewart, Principal Planning Officer; Craig Iles, Senior Planning Officer; Avril Forrest, Solicitor; and Jennifer Morrison, Administrative Officer.

APOLOGIES: Councillors John McGhee, Stephanie Young, Isabella Macrae, Harry Wilson and Jim Raymond.

CHAIR: Councillor Maureen McKay, Chair.

CHAIR'S REMARKS

1. The Chair reported and it was noted, that Application Number 05/0981/FL: Proposed front and rear extensions, one front dormer and two rear dormers at Brae Foot, 84 Loudoun Road, Newmilns by Mr and Mrs H Dearie had been withdrawn from the Agenda.

ORDER OF BUSINESS

2. The Chair agreed in terms of Standing Order 19 to alter the order of business to that as detailed hereafter.

HEARING PROCEDURE

3. The Administrative Officer established that the Hearing Procedure was understood by all participants.
4. **APPLICATION NO 04/0560/OL: MR S GRANT: LAND AT THE BRAES, BURN ROAD, DARVEL**

There was submitted an executive summary sheet and report dated 11 January 2006 (both circulated) by the Head of Planning, Development and Building Standards on an outline planning application for proposed erection of detached dwellinghouse on land at The Braes, Burn Road, Darvel.

4.1 Consideration of Item

It was noted that Members of the Committee had attended a site visit in respect of this application prior to the meeting.

The Principal Planning Officer reported that two objections have been received, details of which were contained within the report; summarised the planning considerations in respect of the application; and gave the recommendation of the Head of Planning, Development and Building Standards: Refusal for the reasons detailed in the report.

4.2 Planning Hearing

The Committee heard Mr Dawson and Mrs Dawson in support of their objections.

Members of the Committee asked questions of the objectors in accordance with the Hearing Procedure.

The Committee then heard Mr Grant the applicant in support of the application.

Members of the Committee asked questions of the applicant in accordance with the Hearing Procedure.

The Chair closed the Hearing .

4.3 Determination of Application

The Principal Planning Officer provided clarification on points raised during the Hearing .

Councillor McDill, seconded by Councillor O'Neill moved that the application be approved on the grounds that the proposal did not affect the amenity and the character of the area.

Councillor Finlayson, seconded by Councillor McKay moved as an amendment that the application be approved on the grounds that the proposal was not detrimental to the amenity of the area, and subject to the addition of a condition to include a speed table as well as to the addition of the standard outline planning conditions.

On a division by a show of hands, 2 Members voted for the amendment and 2 Members voted for the motion.

There being an equality of votes, the Chair exercised her casting vote in favour of the amendment which accordingly became the decision of the meeting.

5. APPLICATION NUMBER 05/0967/RM - DRUMBOW HOMES LIMITED: JAMIESON ROAD, DARVEL

There was submitted an executive summary sheet and report dated 12 January 2006 (both circulated) by the Head of Planning, Development and Building Standards on a reserved matters planning application for proposed residential development at Jamieson Road, Darvel.

5.1 Consideration of Item

The Principal Planning Officer reported that seven objections had been received, details of which were contained in the report; reported two corrections to the TP24 document circulated as part of the report to reflect that the application was reserved matters and in respect of 40 units (not an outline application and 38 units as detailed in the report); summarised the planning considerations in respect of the application; and gave the recommendation of the Head of Planning, Development and Building Standards; Approval subject to the conditions and for the reasons detailed in the report and that the issuing of the planning decision notice be withheld until the Council had received from the applicant the sum of £65,000 comprising of the financial contribution to the TLR 5 fund, and the financial contribution towards the provision of play equipment within the public open space adjacent to Hutchison Drive, Darvel as referred to in paragraphs 5.5 and 7.1 of the report.

5.2 Planning Hearing

The Committee then heard Mr Hendry in support of the objections of Mrs Hendry, Miss Wilson, Mr McCluskey and Mr and Mrs Currie.

Members of the Committee asked questions of the objectors' representative in accordance with the Hearing Procedure.

The Committee then heard Mr Gordon Fisher representing the applicant in support of the application.

Members of the Committee asked questions of the applicant's representative in accordance with the Hearing Procedure.

The Chair closed the Hearing .

5.3 Determination of Application

The Principal Planning Officer provided clarification on points raised during the Hearing .

It was agreed to grant the application subject to the conditions and for the reasons detailed in the report; and subject to the following two additional conditions and reasons:- (12) details of the drainage system/pipe along the southern boundary of the site shall be submitted to and agreed in writing with the Planning Authority within 3 months of the date of this consent thereafter the application details shall be installed and operational prior to the occupation of any of the houses hereby approved and maintained in perpetuity - Reason- in order to provide a satisfactory drainage solution and in the interest of the surrounding area; and (13) The access road and public road adjacent to the site shall be kept clear of mud or other deposited materials at all times by means of mechanical brushing as appropriate - Reason - in the interest of road safety and amenity of the surrounding area; and furthermore that the planning decision notice be withheld until the Council had received from the applicants the sum of £65,000 comprising of the financial contribution to the TLR5 fund, and the financial contribution towards the provision of play equipment within the public open space adjacent to Hutchison Drive, Darvel as referred to in paragraphs 5.5 and 7.1 of the report.

It was further agreed to note that the Committee wished to see the financial contribution to the TLR5 fund (£15,000) spent on Environmental and Leisure projects in Darvel which would be identified by the Head of Planning, Development and Building Standards in consultation with the Local Member, Councillor McDill.

6. APPLICATION 05/0842/FL: CARLETON HOUSE LIMITED: WEST DONINGTON STREET, DARVEL

There was submitted an executive summary sheet and report dated 12 January 2006 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application for proposed residential development at the former Bonfab Factory, West Donington Street, Darvel.

6.1 Consideration of Item

The Principal Planning Officer reported that three objections had been received, details of which were contained within the report; summarised the planning considerations in respect of the application; and gave the recommendation of the Head of Planning, Development and Building Standards: Approval subject to the

conditions and for the reasons detailed in the report and that the issuing of the planning decision notice be withheld until the Solicitor to the Council had satisfactorily concluded a formal agreement with the applicants in respect of the financial contribution to the TLR 5 fund, as referred to in paragraphs 5.5 and 7.1 of the report.

6.2 Planning Hearing

The Committee then heard Mr Maurice G Fitzgerald in support of his objection.

Members of the Committee asked questions of the objector in accordance with the Hearing Procedure.

The Committee then heard Mr Gordon Law, the applicant's representative in support of the application.

Members of the Committee asked questions of the applicant's representative in accordance with the Hearing Procedure.

The Chair closed the Hearing.

6.3 Determination of Application

The Principal Planning Officer provided clarification on points raised during the Hearing .

It was agreed to grant the application subject to the conditions and for the reasons detailed in the report and that the issuing of the planning decision notice be withheld until the Solicitor to the Council had satisfactorily concluded a formal agreement with the applicants in respect of the financial contribution to the TLR5 fund, as referred to in paragraphs 5.5 and 7.1 of the report.

It was further agreed to note that the Committee wished to see the financial contribution to the TLR fund (£10,000) spent on Environmental and Leisure projects in Darvel which would be identified by the Head of Planning, Development and Building Standards in consultation with the Local Member, Councillor McDill.

ADJOURNMENT AND RECONVENTION OF MEETING

7. It was agreed to adjourn the meeting at 1155 hours. The meeting reconvened at 1200 hours with the same Members and Officers present and in attendance.

8. APPLICATION NUMBER 05/1112/FL AND APPLICATION NUMBER 05/1075/LB: CASTLE DEVELOPMENTS LTD: 22 MAIN ROAD, WATERSIDE, KILMARNOCK

There was submitted an executive summary sheet and report dated 12 January 2006 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application and a listed building application for change of use and alterations to former mill building to form six flats at 22 Main Road, Waterside, Kilmarnock.

8.1 Consideration of Item

The Principal Planning Officer reported that two objections had been received in relation to the full planning application number 05/1112/FL and two objections had been received in respect of the listed building application 05/1075/LB details of which were contained within the report; reported additional comments received from Moscow and Waterside Community Council in terms of their earlier objections; summarised the planning considerations in respect of the applications; and gave the

recommendation of the Head of Planning, Development and Building Standards: Approval of the planning application number 05/1112/FL subject to the conditions and for the reasons detailed in the report and that the issuing of the planning notice be withheld until the applicant had concluded an appropriate legal agreement with the Council in respect of the matters detailed in paragraph 7.1 of the report; and approval of the listed building application number 05/1075/LB subject to the notification of Historic Scotland under the Listed Buildings and Buildings in Conservation Areas (Scotland) Regulations 1997 and subject to the conditions and for the reasons detailed in the report.

8.2 Planning Hearing

The Committee heard Mrs Roberts in support of her objections.

Members of the Committee asked questions of the objector in accordance with the Hearing Procedure.

The Committee then heard Mr Thomson the applicant's representative in support of the application.

Members of the Committee asked questions of the applicant's representative in accordance with the Hearing Procedure.

The Chair closed the Hearing.

8.3 Determination of Application

It was agreed to grant the planning application number 05/1112/FL subject to the conditions and for the reasons detailed in the report and that the issuing of the planning notice be withheld until the applicant had concluded an appropriate Legal Agreement with the Council in respect of the matters detailed in paragraph 7.1 of the report; and to grant the listed building application number 05/1075/LB subject to the conditions and for the reasons detailed in the report and subject to the notification of Historic Scotland under the Listed Buildings and Buildings in Conservation Areas (Scotland) Regulations 1997.

It was further agreed to note that the Committee wished to see the financial contribution to the TLR5 fund (£2,500) spent on projects within the geographical area served by Moscow and Waterside Community Council.

9. APPLICATION NO 05/1088/FL: ORANGE PCS LIMITED: LAND ADJACENT TO CARRICK WORKS, STANDALANE, STEWARTON

There was submitted an executive summary sheet and report dated 11 January 2006 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application for proposed replacement of twenty metre telecommunications mast with a twenty five metre mast with an additional 3 antennae, 1 transmission dish, 2 equipment cabins and associated ancillary development including repositioning of existing antennae and dishes at land adjacent to Carrick Works, Standalane, Stewarton.

The Principal Planning Officer reported that one objection had been received, details of which are contained within the report; summarised the planning considerations in respect of the application and gave the recommendation of the Head of Planning, Development and Building Standards: Approval subject to the conditions and for the reasons detailed in the report.

No Hearing took place as the objector was not present or represented.

It was agreed to grant the application subject to the conditions and for the reasons detailed in the report.

10. APPLICATION NUMBER 05/0781/FL: MR V AND MRS E COX: HIGH BOWHILL FARM, NEWMILNS

There was submitted an executive summary sheet and report dated 11 January 2006 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application for proposed temporary consent (5 years) for the location of two caravans and timber linking corridor and installation of septic tank and soak away and timber hut accommodation to enable establishment of on site livery business and organic chicken and egg production unit at High Bowhill Farm, Newmilns.

The Principal Planning Officer summarised the planning considerations in respect of the application; proposed an amendment to condition (7) to 1800 hours (rather than 1700 hours); and gave the recommendation of the Head of Planning, Development and Building Standards: Approval subject to the conditions (as amended at the meeting) and for the reasons stated in the report but that permission not be issued until the Solicitor to the Council had concluded a formal agreement with the applicants under section 75 of the Town and Country Planning (Scotland) Act 1997 in respect of the points raised in paragraph 7.1 of the report.

It was agreed to grant the application subject to the conditions (as amended at the meeting) and for the reasons detailed in the report but that permission not be issued until the Solicitor to the Council had concluded a formal agreement with the applicants under section 75 of the Town and Country Planning (Scotland) Act 1997 in respect of the points raised in paragraph 7.1 of the report.

11. THE LAIGH FENWICK (WEST) (PROVISIONAL) TREE PRESERVATION ORDER (NO 2) 2005

There was submitted a report dated 11 January 2006 (circulated) by the Head of Planning, Development and Building Standards which advised the Committee of the making, serving and advertising of the Laigh Fenwick (West) (Provisional) Tree Preservation Order (No 2) 2005 and which sought the Committee's approval for the order to be confirmed.

It was agreed:-

- (i) to confirm the Laigh Fenwick (West) (Provisional) Tree Preservation Order (No 2) 2005; and
- (ii) otherwise to note the contents of the report.

The meeting terminated at 1238 hours.